



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/456,558	12/08/1999	RENE BERTOCCHIO	1798-7337	6610

7590 04/23/2002

SMITH, GAMBRELL & RUSSELL
BEVERIDGE, DEGRANDI, WEILACHER & YOUNG
INTELECTUAL PROPERTY GROUP
1850 M STREET, N.W., SUITE 800
WASHINGTON, DC 20036

EXAMINER

CINTINS, IVARS C

ART UNIT	PAPER NUMBER
----------	--------------

1724

DATE MAILED: 04/23/2002

14

Please find below and/or attached an Office communication concerning this application or proceeding.

MF-XS

Office Action Summary

Application No.
09/456,558

Applicant(s)
Bertocchio

Examiner
Ivars Cintins

Art Unit
1724



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Feb 11, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-22 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 3-5, 14, 16, 17, and 21 is/are allowed.
- 6) ☒ Claim(s) 2, 6, 8-13, 15, 18-20, and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

Art Unit: 1724

The disclosure is objected to because of the following informalities: (1) the specification fails to contain a brief description of the drawings, as required by 37 CFR § 1.74; and (2) drawing elements 2, 16, 17, 20 and 21 have not been described in the specification. Appropriate correction is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 6, 8-13, 15, 18-20 and 22 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 6 and 20 recite that the sieve feed stock is regenerated by a process which consists in heating the feed stock to a temperature between 120°C and 300°C, but depend from a claim (i.e. claim 1, directly or indirectly) which requires a two stage regeneration at mutually exclusive temperatures. Claims 6 and 20 also recite a regeneration pressure of less than 100mm Hg, but depend from a claim requiring a regeneration pressure of about atmospheric (see claim 1, line 6). Accordingly, claims 6 and 20 are indefinite as to the regeneration conditions employed. Claims 9, 10 and 15

Art Unit: 1724

depend from either claim 6 or claim 20, and are therefore also indefinite. Similarly, claim 8 is indefinite because it recites carrying out step (i) at two different temperatures, while parent claim 1 appears to recite only a single temperature, i.e. due to the recitation "consists in ... (i) at a temperature ...", for this step. Claims 18 and 19 depend from claim 8, and are hence also indefinite. The terms "the pressure" (claims 2, 12 and 13) and "the temperature" (claim 11) are indefinite, since it is not clear which pressure and temperature (i.e. treatment or regeneration) is intended. Furthermore, the term "inert has" (claim 22) is deemed to be a typographical error which renders this claim indefinite. Applicant is advised that an amendment changing "has" to --- gas --- in claim 22 would overcome this portion of the rejection.

Claims 1, 3-5, 14, 16, 17 and 21 are allowed. Claims 2, 6, 8-13, 15, 18-20 and 22 would also be allowed if rewritten or amended to overcome the above rejection under 35 U.S.C. § 112.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (703) 308-3840. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.


Serial Number: 09/456,558

Page 4

Art Unit: 1724

The fax phone numbers for this art unit are: (703) 872-9311 for "Official" faxes after Final Rejection; (703) 872-9310 for all other "Official" faxes; and (703) 872-9492 for "Draft" and other "Unofficial" faxes.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.


Ivars C. Cintins
Primary Examiner
Art Unit 1724

I. Cintins
April 21, 2002